

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: RILEY NEWTON
DEPUTY ATTORNEY GENERAL

DATE: MARCH 21, 2023

SUBJECT: IN THE MATTER OF IDAHO POWER COMPANY’S APPLICATION FOR APPROVAL OR REJECTION OF AN ENERGY SALES AGREEMENT WITH NORTH SIDE ENERGY COMPANY, INC. FOR THE SALE AND PURCHASE OF ELECTRIC ENERGY FROM THE BYPASS HYDRO PROJECT; CASE NO. IPC-E-23-02.

On January 19, 2023, Idaho Power Company (“Company” or “Idaho Power”) applied for approval or rejection of an energy sales agreement with North Side Energy Company, Inc. for the energy generated by the Bypass Hydro Project (“Facility”). The Facility has a 9,960 kilowatt nameplate capacity and is a qualifying facility under the Public Utility Regulatory Policies Act of 1978. The Company requested its Application be processed by Modified Procedure with a Commission determination prior to expiration of the existing contract on May 31, 2023.

On February 6, 2023, the Commission issued a Notice of Application and Notice of Modified Procedure establishing a March 13, 2023, Commission Staff (“Staff”) and public comment deadline and a March 20, 2023, Company reply comment deadline.

Staff filed comments on March 13, 2023.

On March 17, 2023, the Company filed a “Motion for Extension of Time to File Reply Comments” (“Motion”).

COMPANY’S MOTION

The Company explains that some of Staff’s recommendations in its comments in the instant case “have broader implications beyond this specific case and overlap with the Commission’s directives set forth in Order No. 35705, also issued on March 13, 2023, in the case pertaining to the Lowline #2 Hydro Project (Case No IPC-E-22-28).” Motion at 2. As the Company explains, because the ESA in both cases “will address many of the same issues raised by the Commission’s

decision in that matter and must be evaluated in concert with the Company's forthcoming compliance filing [in Case No. IPC-E-22-28]. In both cases, Idaho Power believes it would be useful to work with Staff in an effort to reach alignment on the contract amendments and related issues but has not yet been able to arrange this meeting." *Id.* at 3. The Company is seeking, in a parallel motion, Commission authorization to make a compliance filing in Case No. IPC-E-22-28.

Thus, in this case, the Company requests Commission authorization to extend the reply comment deadline to March 31, 2023.

STAFF RECOMMENDATION

Staff believes that further discussion on the issues in this case and in Case No. IPC-E-22-28 with the Company will ensure consistency between the cases and be useful and informative. Staff therefore recommends that the Commission extend the Company reply comment deadline in this case to March 31, 2023.

COMMISSION DECISION

Does the Commission wish to extend the Company reply comment deadline in this case to March 31, 2023?



Riley Newton
Deputy Attorney General